

Remarks

Claims 6 and 17 have been rejected under 35 U.S.C. § 112 as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Regarding claim 6, it is stated that “said interfacing legs” lacked antecedent basis. Claim 6 has now been amended to correct the antecedent basis of the “interfacing legs”. Regarding claim 17, it is stated that “said first and second interfacing legs” lacked antecedent basis. Claim 17 has now been amended to correct the antecedent basis of “said first and second interfacing legs.” It is therefore believed that the indefiniteness rejections have been overcome and withdrawal of the same is respectfully requested.

The Applicants acknowledge that claim 6 would be allowable if rewritten to overcome the 35 U.S.C. § 112 rejection and to include the limitations of the base and any intervening claims. Correspondingly, new claim 29 incorporates some of the limitations of claims 1 and 6. While new claim 29 does not incorporate all the limitations of original claims 1 and 6, it is believed that it contains the subject matter which is patentably distinct over the references of record. Therefore, allowance of new claim 29 is respectfully requested.

The Applicants further acknowledge that claim 17 would be allowable if rewritten to overcome the 35 U.S.C. § 112 rejection and to include the limitations of the base and any intervening claims. Correspondingly, new claim 30 incorporates some of the limitations of original claims 1 and 17. While new claim 30 does not incorporate all the limitations of original claims 1 and 17, it is believed that it contains the subject matter which the Examiner indicated is patentably distinct over the references of record. Therefore, allowance of new claim 30 is respectfully requested.

New claim 31 depends from claim 30 and further differentiates from the prior art. Specifically no prior art of record discloses a spring clip having a base portion which is substantially parallel with the panel to panel interface. Similarly, new claim 32 depends from claim 30 and is independently allowable, as no prior art of record discloses a base portion which is substantially parallel with the longitudinal length of the decorative component.

Claims 1-4, 22 and 26 have been rejected under 35 U.S.C. § 102(b) as being

anticipated by Jella 2005/0016694. In making the rejections, it is asserted that the edges of trim piece (32) move as the panels move. Further, it is also asserted that the phrase “pinch resistant” is broad and subjective and therefore easily met by Jella. While the Applicant does not necessarily agree with the aforementioned assertions, claims 1, 22 and 26 have each been amended to clarify the patentable aspects of the invention. Specifically, each of the above mentioned claims now includes the limitation that the decorative components are attached to the panels, “in a manner allowing relative movement between the decorative components and the panels.” It is this relative movement which enables the decorative components to be pinch resistant. Specifically, if a finger or other object is introduced between two decorative components, the components may move relative to the panel to reduce the pinching force. In contrast, the boards (32) of Jella are not attached in a manner allowing relative movement between the decorative components and the panels. In fact, Jella discloses bonding boards (32) to sheet metal (30) with PVC cement or “Everseal” which “provides effective tensile and impact strength, and securely adheres to most rigid materials.” (Pg. 4, Paragraph 54). Additionally, the alternative embodiment employs clips which provide “secure attachment” of trim board to sheet metal. (Pg. 7, Paragraph 88). The alternative embodiment further includes the use of caulk around the perimeter of boards (32) to “provide additional adhesion.” (Pg. 7, Paragraph 85). Thus, the boards (32) disclosed in Jella are securely attached to underlying sheet metal in a manner which would not allow relative movement between the decorative components and the panels and consequently would not provide any pinch resistance, as is the object of the present invention. Thus, it is believed that claims 1-4, 22 and 26 are distinguishable from and allowable over the teachings of Jella.

Claims 1, 20, 22, 23, 26 and 27 have been rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,972,894 to Machill. It is asserted that a deformable portion (38) is attached to the outer surface (14) and forms a decorative pattern. Machill teaches a roller curtain having improved weather resistance properties, but makes no disclosures relative to decorative panels. Further, contrary to the Examiner’s assertion, seal (38) is positioned and adhered or welded to the inner skin 14 of roller slat 10 and is not arranged in a patterned design. (Col. 3, Ln. 51-54). Still further, only one seal (38) is positioned at each panel joint. Claims 1, 22, and 26 each require at least two decorative

panels, positioned on adjacent panels near the pinch resistant interface. Only one seal (38) is employed at each panel to panel interface and thus it is impossible for seal (38) to provide a pinch resistant interface between decorative components. Indeed, the adherence and/or welding of the seal to the skin prevents relative movement between the two. Thus, it is believed that claims 1, 20, 22, 23, 26 and 27 are distinguishable from and allowable over the teachings of Machill.

Claims 1-5, 16, 18-22, and 24-26 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Jella in view of U.S. Patent No. 2,124,252 to Lavigne. It is asserted that Jella discloses door panels with decorative components that form patterns and that Lavigne discloses trim attachment means which permit the movement of the trim piece. It should first be noted that Lavigne does not disclose that the fastener would allow relative movement of the trim component to provide pinch resistance. A review of Fig. 3, confirms that moldings (16) secured via fastener (22) would not provide adequate relative movement to enable pinch resistance. The straight leg portions of fastener (22) are oriented nearly perpendicular to the long axis of molding (16). Thus, any upward or downward force applied to the molding would be resisted by the compression of the straight leg portions. Further, the fasteners are “confined under tension in the molding and exert a force against the inner sides of the molding transversely of the head.” (Col.2, Ln. 44-46). The fasteners contact the side walls of molding (16) and are made of a hard material so that they dig into the walls “to resist normal displacement therein.” (Col. 2, Ln. 47-52). This observation is confirmed by the inventor as he notes that prior art fasteners do not adequately secure the molding to the support and that the present invention solves this problem. (Col. 2, Ln. 1-5). Thus, the fasteners of Lavigne teach away from the claimed invention and would not provide for the relative movement necessary for pinch resistance.

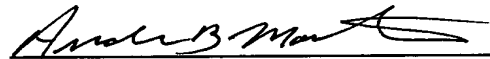
Even if it is assumed that Lavigne teaches a fastener which permits movement of the trim piece, then it is respectfully submitted that it is improper to combine the teachings of Lavigne with those of Jella. First, there are simply no teachings in Jella to suggest that pinch resistance or movable panels are a desirable quality. Jella teaches away from such a structural feature and related function when it teaches the use of numerous attachment means which provide effective “tensile and impact strength” (Pg. 4, Paragraph 54) and resists shear stress (Pg. 4, Paragraph 55). Thus, even if it is correct that Lavigne teaches a

movable fastener, then one skilled in the art would not be motivated to modify Jella with the clip of Lavigne. To do so would be counter to the teachings of Jella as enumerated above. Thus there is simply no motivation to combine the references, the only suggestion of which comes from the present disclosure and hindsight reconstruction.

In view of the above claim amendments and related comments, reconsideration and a Notice of Allowance of claims 1-6, and 16-32 is earnestly solicited. Should the Examiner care to discuss any of the foregoing in greater detail, the undersigned attorney would welcome a telephone call.

In the event that a fee required for the filing of this document is missing or insufficient, the undersigned attorney hereby authorizes the Commissioner to charge payment of any fees associated with this communication or to credit any overpayment to Deposit Account No. 18-0987. If a withdrawal is required from Deposit Account No. 18-0987, the undersigned attorney respectfully requests that the Commissioner of Patents and Trademarks cite Attorney Docket Number **WAY.P.US0074** for billing purposes.

Respectfully submitted,



Andrew B. Morton, Reg. No. 37,400
Renner, Kenner, Greive, Bobak,
Taylor & Weber
First National Tower -- Fourth Floor
Akron, Ohio 44308-1456
Telephone: (330) 376-1242
Facsimile: (330) 376-9646
E-mail: morton@rennerkenner.com

Attorney for Applicants

Attorney Docket No. WAY.P.US0074